

KRISTA HART
Attorney at Law
State Bar #199650
428 J Street, Suite 357
Sacramento, California 95814
Telephone: (916) 731-8811

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	2:02-cr-418-GEB
)	
Plaintiff,)	
)	STIPULATION AND PROPOSED ORDER
v.)	
)	
FERNANDO LOPEZ-CUEVAS and)	
ANTELMO ONTIVEROS,)	
)	
Defendants.)	
_____)	

Defendant Fernando Lopez-Cuevas, by and through counsel Krista Hart, and plaintiff United States of America, by and through counsel Assistant U.S. Attorney Carolyn Delaney, hereby stipulate that defendant's Ameline brief which was due on September 25, 2006, is now due on October 30, 2006.

Mr. Lopez-Cuevas went to trial before this Court in February, 2002. Attorney Gil Roquet represented Mr. Lopez-Cuevas during the trial. After the jury returned a guilty verdict, both defendants appealed their convictions. Attorney John Ward represented Mr. Lopez-Cuevas on the appeal. The U.S. Court of Appeals for the Ninth Circuit remanded the case to this Court in light of the holding in United

1 States v. Booker, 125 S.Ct. 738 (2005). Pursuant to United States v.
2 Ameline, 409 F.3d 1073 (9th Cir. 2005) (en banc) this Court issued an
3 order on June 19, 2006, ordering the attorneys for all parties to file
4 briefs answering the questions raised in Ameline. This Court appointed
5 the undersigned to represent Mr. Lopez-Cuevas on June 13, 2006.

6 The undersigned has not had sufficient time to obtain and review
7 the materials necessary to answer the Court's question. The
8 undersigned has obtained materials and transcripts from the former
9 attorneys. Mr. Lopez-Cuevas indicated that he has material relevant to
10 the issue. I recently received that information from defendant.

11 The undersigned has been in a jury trial in the Superior Court of
12 California for the County of Sacramento from August 23, 2006, to
13 September 29, 2006. Defense counsel has not had time to prepare the
14 Ameline brief.

15 Therefore, the parties stipulate and agree to the additional time
16 for defense counsel to review the recently obtained materials and to
17 prepare the brief.

18 October 4, 2006

/s/ Krista Hart
Attorney for Fernando Lopez-Cuevas

20 October 4, 2006

McGregor Scott
United States Attorney

/s/ Carolyn Delaney
Assistant U.S. Attorney (per e-mail)

23 **ORDER**

24 Good cause appearing, it is so ordered.

25 Dated: October 4, 2006

27 /s/ Garland E. Burrell, Jr.
28 GARLAND E. BURRELL, JR.
United States District Judge